

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 284 - HB 612**

February 10, 2023

**SUMMARY OF BILL:** Requires, when an order is issued for an expert determination as to whether a defendant who has been sentenced to the death penalty is intellectually disabled, and the determination is to be paid for on behalf of the defendant, the cost of the determination to be paid from the Indigent Defense Fund.

**FISCAL IMPACT:**

**Increase State Expenditures –**

**\$1,800/FY23-24 and Subsequent Years/Indigent Defense Fund**

**Assumptions:**

- Public Chapter 399 of 2021 established that a defendant who has been sentenced to the death penalty prior to May 11, 2021, and whose conviction is final on direct review, may petition the trial court for determination of whether or not the defendant is intellectually disabled, provided that the issue has not been previously adjudicated on the merits.
- The proposed legislation establishes that any order for such a determination that includes the requirement for the determination to be paid for on behalf of the defendant is to be paid from the Indigent Defense Fund.
- Based on information provided by the Administrative Office of the Courts (AOC), since the enactment of Public Chapter 399 of 2021, there has been one such order.
- The AOC anticipates receiving such orders in the coming years at the same rate, or roughly one every two years.
- The average cost for an expert to perform the relevant determination is \$3,500 per evaluation; therefore, the impact to the Indigent Defense Fund is estimated to be \$3,500 per order of determination, or an estimated \$3,500 every two years.
- The recurring increase in state expenditures to the Indigent Defense Fund is therefore estimated to be \$1,750 (\$3,500 / 2 years) in FY23-24 and subsequent years.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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